

RESOLUTION No. R- 251994 (R-80-2283)

Adopted on JUN 9 1980

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That a Conflict of Interest Code for the San Diego Housing Commission, a copy of which is on file in the office of the City Clerk as Document No. RR-251994, is hereby approved pursuant to the provisions of the Political Reform Act of 1974, as said Act has been amended.

BE IT FURTHER RESOLVED, that the new Code supersedes the Code for the Housing Commission which was approved in April, 1979.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:ps:559
5/27/80
Or.Dept. Housing Comm.

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CONFLICT OF INTEREST CODE
OF THE
SAN DIEGO HOUSING COMMISSION

RECEIVED BY THE
JUN 16 1980

HOUSING COMMISSION

I. GENERAL STANDARDS

SECTION 100 PURPOSE AND SCOPE

A. The maintenance of the highest standards of honesty, integrity, impartiality and conduct by participants is essential to assure the proper performance of Housing Authority and City business and maintenance of confidence by citizens in their government. The avoidance of conflicts of interest on the part of the San Diego Housing Commission through informed judgment is indispensable to the maintenance of these standards.

B. Pursuant to the provisions of Government Code Section 87300 et seq., the San Diego Housing Commission hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000 et seq.). The provisions of this Code are additional to Title 9, Chapter 7 of the Government Code (Section 87100 et seq.) and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

C. This Code reflects accepted standards imposed by the criminal and civil law of the State of California. However informational these regulations are, they are not a

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OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

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complete enumeration of all restrictions imposed by statutes. The omission of a reference to such statute in no way affects its validity or applicability. In addition, professionals employed by the San Diego Housing Commission are subject to their additional canons as established by their particular professional society.

SECTION 101 DEFINITIONS

The definitions set forth in Title 9, Chapter 2 of the Government Code (Section 82000 et seq.), including but not limited to the following definitions, shall govern the interpretation of this Code.

A. INCOME (Sec. 82030)

"Income" means, except as specifically excluded in the next paragraph, income of any nature from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, capital gain, return of capital, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to any insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10 percent interest or greater. "Income", other than a gift, does not include income received from any source outside the jurisdiction and not doing business

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within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

"Income" also does not include:

1. Campaign contributions required to be reported under Government Code Section 84200 et seq.
2. Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization;
3. Gifts of informational material, such as books, pamphlets, reports, calendars or periodicals;
4. Gifts which are not used and which, within 30 days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;
5. Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by this paragraph;
6. Any devise or inheritance;

7. Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;

8. Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States government.

B. INTEREST IN REAL PROPERTY (Sec. 82033)

"Interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction if the fair market value of the interest is greater than one thousand dollars (\$1,000). Interests in real property of an individual includes a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

C. INVESTMENT (Sec. 82034)

"Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans

to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value exceeds one thousand dollars (\$1,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater. The term "percent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the Fair Political Practices Commission.

SECTION 102 REMEDIAL ACTION

A. In addition to the penalties set forth in Government Code Section 91003, a violation of this Code may be the cause for remedial action which may include, but is not limited to:

1. Termination of membership or employment.
2. Disqualification for a particular assignment.

B. Remedial action shall be effected in accordance with all applicable laws for notice, hearing and review.

II. CONDUCT AND RESPONSIBILITIES OF MEMBERS AND EMPLOYEES

A. A member or employee shall avoid any action, whether or not specifically prohibited by law, which may tend to affect his

or her position or performance creating the appearance of:

1. Using public office for private gain.
2. Giving preferential treatment to any person.
3. Losing complete independence or impartiality.

SECTION 201 GIFTS, ENTERTAINMENT AND FAVORS

A. A member or employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of more than nominal monetary value, from a person with whom he or she has dealings in the course of membership or employment who:

1. Has, or is seeking to obtain, contractual or other business or financial relations with the San Diego Housing Commission, Housing Authority or The City of San Diego.
2. Conducts operations or activities that are regulated by the San Diego Housing Commission, Housing Authority or The City of San Diego.
3. Has interests that may be substantially affected by the performance or nonperformance of San Diego Housing Commission, Housing Authority or City governmental duties.

B. None of the foregoing shall be deemed to prohibit the acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of members or employees, interest, dividends or premiums on a time or demand deposit from such banks or other financial institutions, or unsolicited promotional materials of nominal value.

C. A gift or gratuity, the receipt of which is prohibited by this section, shall be returned to the donor when feasible.

If no return is feasible, the gift or gratuity shall be conveyed through the San Diego Housing Commission to a public charity.

SECTION 202 FINANCIAL INTERESTS

A member or employee shall not:

A. Have a financial interest that conflicts with San Diego Housing Commission official duties and responsibilities; or

B. Engage in a financial transaction as a result of or primarily relying on information obtained through San Diego Housing Commission official duties and responsibilities.

SECTION 203 USE OF PROPERTY

A member or employee shall not use, or allow the use of San Diego Housing Commission, Housing Authority or City of San Diego property of any kind for other than official duties.

SECTION 204 CONFLICTS OF INTEREST

A. A conflict of interest may exist whenever a member or employee has a substantial personal or private interest in a matter which involves San Diego Housing Commission official duties and responsibilities. The trust of the citizenry demands that a member or employee take no action which would constitute the use of the San Diego Housing Commission to advance personal or private interests. Each member or employee should avoid situations which present the possibility that San Diego Housing Commission official position might be used to private advantage

B. Neither the provisions of the California Penal Code, California Government Code, nor the standards of conduct prescribed in this Code, are to be regarded as comprehensive. Each member or employee must, in each instance involving a personal or private interest in a matter which also involves San Diego Housing Commission official duties and responsibilities as a member or employee, make certain that actions taken do not have the effect or the appearance of the use of the San Diego Housing Commission official position for the furtherance of personal interests or those of family or business associates.

C. The statutory provisions of conflict of interest are contained in Title 9, Chapter 7 of the Government Code (Section 87100 et seq.).

SECTION 205 DISQUALIFICATION BECAUSE OF FINANCIAL INTERESTS

A. Members or employees must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest when it is reasonably foreseeable that such interest may be materially affected by the decision. No member shall be required to disqualify himself or herself with respect to any matter which could not be legally acted upon or decided without his or her participation. The fact that a member's vote is needed to break a tie does not make such person's participation legally required for purposes of this section.

B. When any member or employee has reason to be disqualified, he or she shall immediately report the nature of the matter and the existence of a conflict to the Chairperson or the

Executive Director of the Commission and refrain from further discussion and consideration of the matter.

III STATEMENTS OF FINANCIAL INTERESTS

SECTION 300 DESIGNATED POSITIONS

The positions listed on Exhibit A are designated positions. Persons or entities holding those positions are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

SECTION 301 DISCLOSURE STATEMENTS

Except as otherwise provided under Exhibit A, each person or entity holding a designated position shall file an annual statement of financial interests disclosing investments, interests in real property, and income designated as reportable under Exhibit B.

SECTION 302 PLACE AND TIME OF FILING

A. Each person or entity holding a designated position shall submit the original statement of financial interests to the City Clerk.

B. Each person or entity holding a designated position shall submit an initial statement of financial interests within 30 days after the effective date of this Code, which for these purposes shall be the date upon which the City Council of The City of San Diego approves this Code by appropriate resolution.

C. Each person or entity holding a designated position who is newly appointed or employed shall file statements not less than ten days after assuming office (or if subject to confirmation, ten days after being confirmed) or employment, unless an earlier assumption of office or employment is required by emergency circumstances, in which case the statement shall be filed within 30 days thereafter.

D. Annual statements shall be filed during the month of February by each person or entity holding a designated position. Such statements shall cover the period of the preceding calendar year.

E. Each person or entity holding a designated position who leaves office or employment shall file a statement within 30 days after leaving said position.

SECTION 303 CONTENTS OF DISCLOSURE STATEMENTS

Disclosure statements shall be made on forms supplied by the City Clerk and shall contain the following information:

A. Contents of Investment and Real Property Reports

When an investment, or an interest in real property has a value of more than one thousand dollars (\$1,000) and is required to be reported, the statement shall contain:

1. A statement of the nature of the investment or interest.

2. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged.

3. The address or other precise location of the real property.

4. A statement whether the fair market value of the investment or interest in real property exceeds ten thousand dollars (\$10,000) and whether it exceeds one hundred thousand dollars (\$100,000).

5. The foregoing information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

B. Contents of Income Reports

When income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating, during the calendar year covered by the report, two hundred fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was greater than one thousand dollars (\$1,000) and whether it was greater than ten thousand dollars (\$10,000).

3. A description of the consideration, if any, for which the income was received.

4. In the case of a gift, the amount and the date on which the gift was received.

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

C. Contents of Business Entity Income Reports

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address and a general description of the business activity of the business entity.

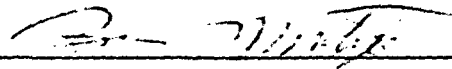
2. In the case of a business entity, the name of every person from whom the business entity received

payments if the filer's pro rata share of the gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during the calendar year covered by the report.

D. Acquisition During Reporting Period

In the case of a statement required under Section 302(E), if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be reported.

The foregoing Conflict of Interest Code has been adopted by the San Diego Housing Commission after a fair opportunity for the members and employees of the Commission to present their views. The Code is submitted to the City Council this 2nd day of May, 1980.


Executive Director
San Diego Housing Commission

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The above Conflict of Interest Code was approved by the Council of The City of San Diego, acting as the code reviewing body pursuant to the Political Reform Act of 1974, as amended, by Resolution No. R-251994, on the 9th day of June 1980.


City Clerk

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EXHIBIT A
DESIGNATED EMPLOYEES

POSITION

Commission Members

Executive Director

Assistant to Executive Director

Legal Counsel

ASSISTANT DIRECTOR, COMMUNITY DEVELOPMENT

Assistant Financial Specialist

Community Planner

Director of Field Operations

Rehabilitation Specialist

Sr. Rehabilitation Specialist

ASSISTANT DIRECTOR, MANAGEMENT SERVICES

Auditor/Controller

Budget and Accounting Manager

Financial Specialist

Purchasing Officer

ASSISTANT DIRECTOR, PLANNING AND DEVELOPMENT

Construction Manager

Contractor

Housing Analyst I and II

Housing Development Specialist

ASSISTANT DIRECTOR, TENANT SERVICES

Housing Assistant

Housing Manager

Inspectors (Health & Safety)

Leased Housing Coordinator

CONTRACTOR:

When the San Diego Housing Commission enters into a contract with a person or entity (whether or not a non-profit entity) for consulting services, the contract shall designate by name or by the position held, each "designated employee" and specify the "categories" which shall be reportable under Exhibit B. Such designation and specification shall be made with respect to any person who, in the opinion of the San Diego Housing Commission, may reasonably be expected to make, participate in making or in any way attempt to influence a San Diego Housing Commission decision which may foreseeably have a material effect on any financial interest of the person.

EXHIBIT B

Investments, interests in real property and income within the following categories shall be reportable:

1. Real property within City of San Diego limits
2. Real estate development, maintenance or management companies.
3. Construction, building materials or demolition companies.
4. Engineering, surveying, architectural and appraising companies
5. Soils testing, analysis, and compaction companies
6. Office equipment and supplies companies
7. Newspapers, printing and reproduction services companies
8. Banks and savings and loan companies
9. Securities and investment companies
10. Title insurance and escrow companies
11. Financial audit services companies
12. Insurance companies, including brokers and agencies
13. Companies or consultants in the following categories
 - (a) Fiscal
 - (b) Financial
 - (c) Architectural
 - (d) Legal (excluding income from sources other than those described in this EXHIBIT B)
 - (e) Engineering
 - (f) Planning
 - (g) Property Management
 - (h) Management & Administration
 - (i) Economic
 - (j) Real Estate
 - (k) Appraisers
 - (l) Property Acquisition
 - (m) Relocation or moving

Passed and adopted by the Council of The City of San Diego on JUN 9 1980,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Barbara Berridge Deputy.

(Seal)

Office of the City Clerk, San Diego, California

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Number _____